

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHRISTIAN G. BIRABIL
AND LORRAINE BIRABIL,
Plaintiffs,

v.

DOUGLAS MARTINEZ,
MICHAEL HOLGUIN AND
THE CITY OF DALLAS
Defendants.

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Civil Action No. 3:15-CV-2255-M

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. The Court notes that the Plaintiffs request that the Court take “judicial notice” of a video that is apparently not in the record and that has not been tendered to the Court. That is not proper and the Court will not do so.

Defendant City of Dallas’ Motion Pursuant to Rule 12(b)(6) to Dismiss the Plaintiff’s Claims Alleged Against it in the Plaintiff’s Second Amended Complaint, filed October 13, 2015 (doc. 30) is GRANTED.

SIGNED this 18 day of August, 2016


BARBARA M. G. LYNN
CHIEF JUDGE